



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

OCT 21 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5970 5476

Patricia Irving, Mayor
Village of Asharoken
1 Asharoken Avenue
Asharoken, New York 11768

Re: Administrative Order CWA-02-2012-3001
Village of Asharoken
SPDES Permit No. NYR20A013

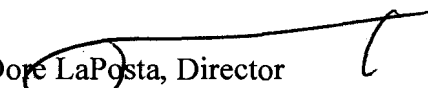
Dear Mayor Irving:

The United States Environmental Protection Agency ("EPA"), Region 2, has made a finding that the above-named facility, Village of Asharoken ("Permittee"), is in violation of the Clean Water Act (33 U.S.C. §1251 *et seq*) ("the Act") for National Pollutant Discharge Elimination System ("NPDES") violations as described in the findings to this Order. Enclosed are two (2) originals of this ORDER, issued pursuant to Sections 309 and 308 of the Act, which detail the findings.

Please acknowledge receipt of this ORDER on one of the originals and return it by mail in the enclosed envelope. Failure to comply with the enclosed ORDER may subject the facility to civil/criminal penalties pursuant to Section 309 of the Act. Failure to comply with this ORDER shall also subject the facility to ineligibility for participation in work associated with Federal contracts, grants or loans.

I have included a copy of the August 17, 2011 Compliance Evaluation Inspection Report. If you have any questions regarding this Order, please contact Mr. Jerry Ciotola, NPDES Team, at (212) 637-4223.

Sincerely,


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosures

cc: Joe DiMura, P.E., Director, Bureau of Water Compliance Programs, NYSDEC
Sara Dorman, NYSDEC, Region 1 HQ



United States Environmental Protection Agency
Washington, D.C. 20460
Water Compliance Inspection Report

Form Approved.
OMB No. 2040-0057

Section A: National Data System Coding (i.e., PCS)

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N	NYR20A013	12 11 08 17 17	-	R	1
Remarks					
21					
Inspection Work Days	Facility Self-Monitoring Evaluation Rating	B1	QA	Reserved	
67 2		71	72	73	74 75
80					

Section B: Facility Data

Name and Location of Facility Inspected (for industrial users discharging to POTW, also include POTW name and NPDES permit number)	Entry Time/Date	Permit Effective Date
Village of Asharoken 1 Asharoken Avenue Asharoken, New York 11768	8/17/2011(10:15am);	N/A
	Exit Time/Date	Permit Expiration Date
	8/17/2011 (12:30pm)	N/A
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data	
Kenneth P. Savin, Village Attorney Tel. (631) 261-4555 Asharoken Village Hall, Asharoken NY 11768		
Name, Address of Responsible Official/Title/Phone and Fax Number(s)		
Patricia Irving, Mayor Village of Asharoken (631) 261-7098		
Contacted		
X Yes No		

Section C: Areas Evaluated During Inspection (Check only those areas evaluated)

Permit	Flow Measurement	Operations & Maintenance	CSO/SSO (Sewer Overflow)
X Records/Reports	Self-Monitoring Program	Sludge Handling/Disposal	Pollution Prevention
X Facility Site Review	Compliance Schedules	Pretreatment	Multimedia
X Effluent/Receiving Water	Laboratory	X Storm Water MS4	Other: Transfer Stations

Section D: Summary of Findings/Comments (Attach additional sheets of narrative and checklists as necessary)

See Attached Report.

Also present on site:

Amy Lavoie, Environmental Protection Agency, R2-WCB (212) 637-4245
Sara Dorman, NYSDEC Region 1, Stony Brook 631-444-0425
Eileen Keenan, NYSDEC Region 1, Stony Brook 631-442-0422

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Phone and Fax Numbers	Date
Jerry Ciotola, Env. Eng. Amy Lavoie, Env. Eng.	EPA/DECA-WCB (212) 637-4223/FAX:x4211	8/22/2011
Signature of Management Q/A Reviewer	Agency/Office/Phone and Fax Numbers	Date
Larry Gaugler, P.E., Acting NPDES Team Leader	EPA/DECA-WCB/(212) 637-4229/FAX:x4211	9/22/11

**MS4 Inspection Report/Village of Northport
(NYR20A013)–August 17, 2011**

MS4 Compliance Evaluation Inspection: Village of Asharoken

SPDES Permit No.: NYR20A013

Inspection Date: August 17, 2011

EPA Representatives: Jerry Ciotola, Environmental Engineer, USEPA Region 2
(212) 637-4223
Amy Lavoie, Environmental Engineer, USEPA Region 2
(212) 637-4245

Facility Representative: Kenneth P. Savin, Village Attorney
(631) 261-4555

Background

The Village of Asharoken (the “Village”) owns a municipal separate storm sewer system. The Village jurisdiction includes a shoreline bounded by part of Eatons Neck, a long, low, narrow isthmus (referred to as Asharoken) connecting Northport in the southeast to Eaton's Neck in the northwest, and separating Northport Bay from LI Sound. The Town's stormwater conveyance system consists of catchments connecting 11 leaching pools. The Village is located in Suffolk County, New York and covers an area of approximately 6 square miles. The 2010 Census indicated a population of about 650. Public Works oversees the cleaning and maintains the MS4 system.

Northport Harbor is designated by NYSDEC as a pathogen impaired water body and subject to beach closure. It is unlawful to harvest shellfish from Northport Bay and Duck Island harbor, which border to the west of Asharoken.

The Village is located on the north shore's western Suffolk County in the Town of Huntington. Land use in the Village consists exclusively of residential housing. The Village indicated that it had mapped 100% of its stormwater system according to the March 9, 2011 Annual Report.

Introduction

On August 17, 2011, a briefing meeting was held at the Village Hall with Mr. Kenneth P. Savin, representing the Village to discuss the Storm-Water Management Plan (SWMP) and MS4 inspection. During the meeting, NYSDEC was represented by Sara Dorman and Eileen Keenan of DEC Region 1 offices. Mr. Savin discussed an overview of the Village's stormwater infrastructure, GIS-based location mapping, and catch basin maintenance. The inspection evaluated the entire MS4.

Location: Village of Asharoken, Suffolk County, NY
Leaching Pools: east and west of Asharoken Avenue
Weather Conditions: sunny and dry

Inspection

The purpose of EPA's MS4 inspection of the Village of Asharoken was to identify potential sources of pathogens and illicit discharges that might impact water quality in Northport Bay/Harbor complex. The EPA inspection team was lead by Jerry Ciotola of Region 2 and Amy Lavoie. We were assisted by Sara Dorman and Eileen Keenan of the NYSDEC. The administrative review was held at Village Hall on August 17, 2011 followed by inspection of the eleven (11) active catchments/leaching pools. The Village has no commercial operations within the Village jurisdiction. All residences are on septic systems.

While mapping was available, the Village did not have a consolidated map of both catch basins and leaching pools on a single GIS mapped page. All residences are on septic systems or cesspools. There was one active unpermitted construction site in town that was less than an acre of disturbance.

Areas of Concern

Part IV of the NYS DEC SPDES General Permit (GP-0-10-002) requires covered entities to develop, implement, and enforce a Storm Water Management Program (SWMP). The Village lacked a SWMP, IDDE program, and viable inspection program for on-site systems. DEC requires MS4s on Long island to target on-site systems within effected storm sewer sheds for inspection, maintenance and rehabilitation, rather than requirements for inspection, maintenance and rehabilitation for all septic systems within the effected storm sewer sheds. The Village must identify suspect areas within their jurisdiction, (such as areas with slopes, high groundwater, low infiltrative soils, older home construction, or pathogen impaired water bodies) and to conduct regular field investigations/ inspections in those areas of residential and commercial on-site sanitary systems to detect the presence of ongoing and/or intermittent on-site sanitary discharges. Inspection of on-site systems in target areas, whether performed by municipal staff or by private inspectors, should be documented.

Asharoken MS4 Inspection

Catch Basin/Leaching Pool Inspections

Inspectors: Jerry Ciotola, Amy Lavoie

weather conditions for the previous day & today: Dry, Sunny (Rain Within Past 24 Hours)

date, time	structure: retention pond; catch basin; outfall; other	id #, address, lat/ long	discharges to	observations; pipe size, composition, access, flow, clarity, debris
8/17/11 11:40 am	Catch Basin #1	25 Asharoken Ave.	Ground	Wet/Flows to Catch Basin #4/Leaching Pool
8/17/11 11:45 am	Catch Basin #2	35 Asharoken Ave.	Ground	Wet/Flows to Catch Basin #1
8/17/11 11:47 am	Catch Basin #3	65 Asharoken Ave.	Ground	Wet
8/17/11 11:58 am	Catch Basin #4/ Leaching Pool	Behind Village Hall	Ground	Wet, approx. 75' from shoreline
8/17/11 12:07 pm	Catch Basin #5	Asharoken Ave. @ Bevin Rd.	Ground	Dry
8/17/11 12:10 pm	Catch Basin #6	Asharoken Ave. @ Bevin Rd.	Ground	Dry/2 Leaching Pools
8/17/11 12:12 pm	Catch Basin #7	Asharoken Ave. @ Bevin Rd.	Ground	Dry/2 Leaching Pools
8/17/11 12:20 pm	Catch Basin #8	540 Asharoken Ave.	Ground	Wet
8/17/11 12:27 pm	Catch Basin #9	341 Asharoken Ave.	Ground	Dry